REMARKS

Claims 1-77 were pending. New claims 78-95 have been added, while claims 32-34 and 51 have been amended. Claims 1-31, 35-50 and 52-77 have been cancelled without prejudice to presentation in future related applications.

The claims were amended to remove reference to non-elected sequences and to further clarify the claimed invention. Claim 34 was also amended to correct an obvious typographical error. Support for the amendments to claims 32-34 and 51 and for new claims 78-95 can be found throughout the application as originally filed including for example, in paragraphs [0071], [0072], Table 114 and Table 129 (at pages 144-145 of the published PCT application).

No new matter was added.

Restriction Requirement

Claims 1-77 are subject to a restriction requirement. The Examiner required Applicants to elect one of twenty-seven groups which are allegedly "not so linked as to form a single general inventive concept under PCT Rule 13.1". The Groups identified by the Examiner are as follows:

> Group I, claim(s) 1-7, 9-12, 27 and 28, drawn to an isolated nucleic acid and a kit comprising said nucleic acid. Election of this Group requires the further election of a single SEQ ID NO: for reason described below.
>
> Group II, claim(s) 8, drawn to an antisense fragment corresponding to the sequences of claim 1. Election of this Group requires the further election of a single SEQ ID NO: for reasons described below.
>
> Group Ill, claim(s) 13-15, drawn to a microarray for detecting a cancer associated (CA) nucleic acid comprising a nucleic acid sequence. Election of this Group requires the further election of a single SEQ ID NO: for reason described below.
>
> Group IV, claim(s) 16-20, drawn to a polypeptide encoded by one of the polynucleotides of claim 1. Election of this Group requires the further election of a single SEQ ID NO: for reason described below.
>
> Group V, claim(s) 21-26 and 59-74, drawn to an antibody that binds to a polypeptide and the hybridoma that produces the distinct antibody and a pharmaceutical composition comprising individual antibody.

Election of this Group requires the further election of a single SEQ ID NO: for reason described below.

Group VI, claim(s) 29 and 30, drawn to an electronic library comprising a polynucleotide. Election of this Group requires the further election of a single SEQ ID NO: for reason described below.

Group VII, claim(s) 31, drawn to an electronic library comprising a polypeptide. Election of this Group requires the further election of a single SEQ ID NO: for reason described below.

Group VIII, claim(s) 32-35, drawn to a method for screening for anticancer activity in a potential drug comprising providing a cell that expresses a CA gene, wherein the said drug is an inhibitor of transcription. Election of this Group requires the further election of a single SEQ ID NO: for reason described below.

Group IX, claim(s) 32-34 and 36, drawn to a method for screening for anticancer activity in a potential drug comprising providing a cell that expresses a CA gene, wherein the said drug is a G-protein coupled receptor antagonist. Election of this Group requires the further election of a single SEQ ID NO: for reason described below.

Group X, claim(s) 32-34 and 37, drawn to a method for screening for anticancer activity in a potential drug comprising providing a cell that expresses a CA gene, wherein the said drug is a growth factor antagonist. Election of this Group requires the, further election of a single SEQ ID NO: for reason described below.

Group XI, claim(s) 32-34 and 38, drawn to a method for screening for anticancer activity in a potential drug comprising providing a cell that expresses a CA gene, wherein the said drug is a serine-threonine kinase antagonist. Election of this Group requires the further election of a single SEQ ID NO: for reason described below.

Group XII, claim(s) 32-34 and 39, drawn to a method for screening for anticancer activity in a potential drug comprising providing a cell that expresses a CA gene, wherein the said drug is a tyrosine kinase antagonist. Election of this Group requires the further election of a single SEQ ID NO: for reason described below.

Group XIII, claim(s) 40, drawn to a method for detecting cancer associated with expression of a polypeptide in a test sample comprising detecting a level of expression of at least one polypeptide. Election of this Group requires the further election of a single SEQ ID NO: for reason described below.

Group XIV, claim(s) 41, drawn to a method for detecting cancer associated with expression of polypeptide in a test sample comprising detecting a level of activity of at least one polypeptide. Election of this

Group requires the further election of a single SEQ ID NO: for reason described below.

Group XV, claim(s) 42 and 75, drawn to a method for detecting cancer comprising detecting a level of an antibody against an antigenic polypeptide. Election of this Group requires the further election of a single SEQ ID NO: for reason described below.

Group XVI, claim(s) 43-46, drawn to a method for screening for a bioactive agent capable of modulating the activity of CA protein, wherein the bioactive agent is an inhibitor of transcription. Election of this Group requires the further election of a single SEQ ID NO: for reason described below.

Group XVII, claim(s) 43-45 and 47, drawn to a method for screening for a bioactive agent capable of modulating the activity of CA protein, wherein the bioactive agent is a G-protein coupled receptor antagonist. Election of this Group requires the further election of a single SEQ ID NO: for reason described below.

Group XVIII, claim(s) 43-45 and 48, drawn to a method for screening for a bioactive agent capable of modulating the activity of CA protein, wherein the bioactive agent is a growth factor antagonist. Election of this Group requires the further election of a single SEQ ID NO: for reason described below.

Group XIX, claim(s) 43-45 and 49, drawn to a method for screening for a bioactive agent capable of modulating the activity of CA protein, wherein the bioactive agent is a serine-threonine kinase antagonist. Election of this Group requires the further election of a single SEQ ID NO: for reason described below.

Group XX, claim(s) 43-45 and 50, drawn to a method for screening for a bioactive agent capable of modulating the activity of CA protein, wherein the bioactive agent is a tyrosine kinase antagonist. Election of this Group requires the further election of a single SEQ ID NO: for reason described below.

Group XXI, claim(s) 51, drawn to a method of diagnosing cancer comprising determining the expression of one or more genes comprising a nucleic acid sequence.

Group XXII, claim(s) 52, 53 and 54, drawn to a method for treating cancer comprising administering to a patient an inhibitor of a CA protein encoded by a nucleic acid, wherein the inhibitor of transcription. Election of this Group requires the further election of a single SEQ ID NO: for reason described below.

Group XXIII, claim(s) 52, 53 and 55, drawn to a method for treating cancer comprising

administering to a patient an inhibitor of a CA protein encoded by a nucleic acid, wherein the inhibitor is a G-protein coupled receptor antagonist. Election of this Group requires the further election of a single SEQ ID NO: for reason described below.

Group XXIV, claim(s) 52, 53 and 56, drawn to a method for treating cancer comprising administering to a patient an inhibitor of a CA protein encoded by a nucleic acid, wherein the inhibitor is a growth factor antagonist. Election of this Group requires the further election of a single SEQ ID NO: for reason described below.

Group XXV, claim(s) 52, 53 and 57, drawn to a method for treating cancer comprising administering to a patient an inhibitor of a CA protein encoded by a nucleic acid, wherein the inhibitor is a serine-threonine kinase antagonist. Election of this Group requires the further election of a single SEQ ID NO: for reason described below.

Group XXVI, claim(s) 52, 53 and 58, drawn to a method for treating cancer comprising administering to a patient an inhibitor of a CA protein encoded by a nucleic acid, wherein the inhibitor is a tyrosine kinase antagonist. Election of this Group requires the further election of a single SEQ ID NO: for reason described below.

Group XXVII, claim(s) 76 and 77, drawn to a method for inhibiting growth of cancer cells comprising administering a pharmaceutical composition containing an antibody. Election of this Group requires the further election of a single SEQ ID NO: for reason described below.

(Office Action, pages 2-5). Applicants respectfully traverse on the grounds that several of the groups are linked by the same or a corresponding special technical feature as to form a single general inventive concept and further note that searching more than one group would not constitute a serious burden.

Although Applicants respectfully traverse the restriction requirement on the grounds that several groups are linked by the same or a corresponding special technical feature and because examining more than one invention would not constitute a serious burden, Applicants provisionally elect with traverse Group XXI "drawn to a method of diagnosing cancer comprising determining the expression of one or more genes comprising a nucleic acid sequence". Applicants further elect the human nucleotide sequences corresponding to the gene designated as 07-114, set forth in Table 114. SEQ ID NO:776 represents the human genomic

sequence while SEQ ID NO:777 represents the human mRNA sequence. Claim 51 and new claims 78-95 read on the elected invention.

Following the amendment of claims 32-34 and the cancellation of claims 35-39, Applicants believe that Groups VIII-XII should be combined. For the purposes of this response, Applicants will refer to this new, combined Group as "combined Group VIII-XII".

Applicants respectfully request that Groups XXI and "combined Group VIII-XII" should be searched and examined together. The claims in these groups are all based on the common inventive concept that alterations in expression/levels of the human myosin I sequences are indicative of cancer. Further the claims all require comparison of levels of human myosin I nucleic acids. Additionally, Applicants respectfully assert that searching both groups would not constitute an undue burden.

Applicants reserve the right to prosecute the claims encompassed by any of the non-elected groups in future divisional applications.

This election is made without prejudice to Applicants' rights to prosecute other claims in this group and other groups. No statement herein is a concession that any claim within a suggested restriction group is not independently patentable from other claims in that group.

Related Application

Applicants call the Examiner's attention to the following related application:

10/322,281 (filed December 17, 2002; pending)

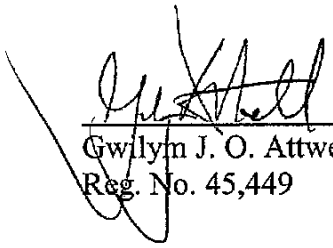
This application is available in PAIR and the Examiner is encouraged to review it.

Conclusion

The examination of the pending claims and passage to allowance are respectfully requested. An early Notice of Allowance is therefore earnestly solicited. Applicants invite the Examiner to contact the undersigned at (302) 778-8458 to clarify any unresolved issues raised by this response.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,



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